

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-cr-00126

JOHN EDWARD ROACH, II

PROPOSED VOIR DIRE QUESTIONS OF THE GOVERNMENT

Comes now the United States of America, by Drew O. Inman, Assistant United States Attorney for the Southern District of West Virginia, and requests the Court to ask the following *voir dire* questions of the jury panel.

1. It has been estimated by the attorneys that it may take two working days to complete the trial of this case. Do any of you have any reason to believe that you would not be able to serve as a juror for that period of time?

- a. Would serving as a juror on this case have any adverse affect with regard to your family life or your job?
- b. Do you have any physical problems that might make it difficult to follow the evidence or sit on the jury?

2. Are any of you acquainted with or have any kind of relationship, professionally or personally, including through social networking websites such as Twitter and/or Facebook, with any of the following individuals who may be called as witnesses in this case?

*The United States will file a list of witnesses separately and reserves the right to amend its witness list.

3. Are any of you acquainted with, professionally or personally, including through social networking websites such as Twitter and/or Facebook, or have you or any of your family members ever been represented by any of the following?

a. Mark Plants, or any member of the Plants Law Offices?

b. Drew O. Inman, Assistant United States Attorney, or any member of the United States Attorney's Office?

4. Are you or any member of your family related to or acquainted with the defendant, John Edward Roach, professionally or personally, including through social networking websites such as Twitter and/or Facebook?

5. Are any of you acquainted with or have any relationship, professionally or personally, including through social networking websites such as Twitter and/or Facebook, or otherwise, with any other member of the jury panel? If yes, would this in any way

affect your ability to decide this case solely on the law and the evidence presented? (If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

6. Have you, any member of your family, or any close personal friends ever been questioned or arrested by a law enforcement officer? (You may approach the bench to answer this question if you would like. If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

7. Have you, any member of your family, or any close personal friend, ever been charged with or convicted of committing either a felony or a misdemeanor? (You may approach the bench to answer this question if you would like. If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

8. Have you, any member of your family, or any of your close friends ever been incarcerated? (You may approach the bench to answer this question if you would like. If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

9. Have you read about this case in the newspapers, either online or in print? (If yes, consideration should be given to

making further inquiry outside the presence of the prospective jurors.)

10. Have you heard or seen anything about this case on the radio or television? (If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

11. Have you heard or read anything at all from any source about the facts of this case, including on or through social networking websites such as Twitter and/or Facebook? (If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

12. Do you, of your personal knowledge, excluding what you have read in the newspapers or heard through the media, have any information about the facts of this case?

13. Have you discussed any aspect of this case with anyone who claimed to have some knowledge of what actually occurred, including on or through social networking websites such as Twitter and/or Facebook?

14. Notwithstanding what you have heard on the television or radio, what you have read in the newspapers, or what you have read and/or discussed on or through social networking websites such as Twitter and/or Facebook, would you be able to sit as a juror in

the case and render a verdict based solely upon the law and the evidence presented?

15. Is there any reason at all why you should not sit on this case?

16. Are you or have you ever been involved in any conflict, controversy or litigation with the United States Attorney's Office? [If yes, would this affect your ability to sit as an impartial juror in this case?]

17. Are you or have you ever been involved in any conflict, controversy or litigation with any department or agency of the United States? [If yes, would this affect your ability to sit as an impartial juror in this case?]

18. Have you ever served as a petit juror in a criminal or civil case either in federal or state courts?

19. Have you ever served as a grand juror on either a federal or state panel?

20. Have you or any member of your family ever participated in a criminal trial, either as a witness for the prosecution or the defense, or in some other capacity? [If so, what was the offense charged and the verdict.]

21. Are any of you related by blood, marriage, adoption, or by any other means, to any law enforcement officers, either local, state or federal?

22. Have you or any member of your immediate family ever been the victim of a crime?

23. Are any of the panel members related by blood, marriage, adoption, or by any other means, to any person who has been prosecuted by the government?

24. Have any of the panel members expressed or do any panel members have any strong sentiment about the justness of any recent prosecution brought by the United States Attorney's Office in this District?

25. This case is being prosecuted by the federal government. Have any of you ever had any difficult or unpleasant experiences with the federal government or the United States Attorney's Office, or do any of you have very strong personal feelings against the federal government for whatever reason?

26. Some of the witnesses who may be called to testify include local, state, and/or federal law enforcement officers. Do any of you have any strong feelings for or against law enforcement officers for whatever reason?

27. Have you or any member of your family or any of your close friends ever filed a lawsuit or complaint concerning the conduct of a law enforcement officer?

28. Have any of you had a dispute with the Drug Enforcement Administration (DEA), the Kanawha County Sheriff's Department, the Putnam County Sheriff's Department, the St. Albans Police Department, and the Boone County Sheriff's Office, either now or in the past?

29. Have you or any of your immediate family members ever been the victim of a drug related crime or been addicted to drugs or received drug treatment?

30. This is a case involving drugs. Do you or your close family members belong to any anti-drug groups such as the Partnership for a Drug Free America? Conversely, are any of you in favor of the legalization of any drug which is presently a controlled substance?

31. Even if you disagree with the law, would you be able to return a verdict of guilty, if the United States meets its burden beyond a reasonable doubt?

32. Does any member of the jury panel believe that they would have trouble following the Court's instructions regarding the law if they disagreed with it?

33. Irrespective of your personal feelings about any issue that may arise in this case, will you follow the law as the Court gives it to you during this case?

34. There are some people who, for moral, ethical, or religious reasons, believe that it is not proper, or who would find it difficult, to pass judgment on the conduct of others. Is there any one of you who holds such beliefs, or who might be affected by such beliefs?

35. Have any of you or your close family members been contacted in any way, via telephone, in writing, or on or through social networking websites such as Twitter and/or Facebook, by any of the parties in this case including the defendant, John Edward Roach, II, or any of his family members, lawyers, or the United States Attorney's Office?

36. Does any member of the jury panel not wish to serve on this jury because this case involves drugs?

37. Knowing what you now know about this case, do you have any reservations about your ability to hear the evidence, deliberate, and return a fair and impartial verdict?

38. If you were one of the parties in this case, do you know of any reason why you should not be content to have someone in your frame of mind sitting on the jury in this case?

The United States requests that the Court ask appropriate follow up questions if any juror answers in the affirmative.

Respectfully submitted,

MICHAEL B. STUART
United States Attorney

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing PROPOSED *VOIR DIRE* QUESTIONS OF THE GOVERNMENT have been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this the 16th day of July, 2019, to:

Mark S. Plants, Esq.
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/s/ Drew O. Inman

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